

ORDINANCE NO. 89- 7

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF LAWS
AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA,
APPENDIX F (ZONING CODE) AS FOLLOWS: AMENDING
SECTION 500.31 (ADULT ENTERTAINMENT ESTABLISHMENT);
RENUMBERING CITATIONS TO THE LANDSCAPE CODE WITHIN THE
SECTION; PROVIDING A TIME PERIOD FOR NON-CONFORMING
ADULT ENTERTAINMENT ESTABLISHMENTS ABUTTING
RESIDENTIAL ZONING TO CONSTRUCT REQUIRED LANDSCAPE
BARRIERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
AN EFFECTIVE DATE.

WHEREAS, The Board of County Commissioners has exercised its
police power to protect the health, safety, and welfare of citizens of
Palm Beach County by enacting Ordinance 88-32 which amended Section
500.31 of the Palm Beach County Zoning Code; and

WHEREAS, the Ordinance contained several scrivener's errors;
and

WHEREAS, the Ordinance provided no time period for a
non-conforming adult entertainment establishment abutting residential
property to construct the required landscape strip;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

Section 1. AMENDMENT TO SECTION 500.31

The Code of Law and Ordinance of Palm Beach County, Florida, Appendix F
(Zoning Code) Section 500.31 (Adult Entertainment Establishment) is
amended to read as follows:

D. Supplemental Regulations

. . .

5. Existing Adult Entertainment Establishments.

b. Any non-conforming Adult Entertainment Establishment as
determined in (a) above, shall: (1) be subject to the
enlargement restrictions contained in (D)(2), above; and (2)
construct and install alternative landscape strip Number ~~1~~ 2, as
defined in Section ~~500.35(F)(3)(G)(2)~~ 500.35.E.3.c(3), along any
property line of an establishment which abuts a residential
zoning district within ninety (90) days of the date of issuance
of the Adult Entertainment License by the Occupational Licensing

Department; and (3) if a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the establishment the requirements of §500.35 shall apply to the entire site of the establishment.

. . .

E. Supplemental Property Development Regulations

Special Exception Standards

. . .

3. Notwithstanding (2) above and the requirements of ~~500.35(E)(3)(G)~~ 500.35.E.3.c, construct and install alternative landscape strip number ± 2, as defined in Section ~~500.35(E)(3)(G)(2)~~ 500.35.E.3.c(3), along any property line which abuts a residential zoning district; and

. . .

Section 2. REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is, for any reason, held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 5. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on the 16th day of May, 19 89.

3 PALM BEACH COUNTY, FLORIDA, BY ITS
4 BOARD OF COUNTY COMMISSIONERS

5 By Carol Eluequist
6 Chairman

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 Van B. Cook
10 County Attorney

11 Acknowledgement by the Department of State of the State of
12 Florida, on this, the 25th day of May, 19 89.
13 EFFECTIVE DATE: Acknowledgement from the Department of State
14 received on the 30th day of May, 19 89, at 2:04
15 P.M., and filed in the Office of the Clerk of the Board of County
16 Commissioners of Palm Beach County, Florida.